

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MICHAEL LEE TOWE,

Petitioner,

vs.

DIRECTOR, N.D.O.C., *et al.*,

Respondents.

Case No. 2:07-cv-00652-KJD-PAL

**ORDER**

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a Nevada state prisoner represented by counsel.

On February 11, 2010, this Court ruled that the first amended petition was a mixed petition, as Grounds 1, 2(A), 2(C), and 4 were unexhausted, but the remaining grounds were exhausted. (ECF No. 41). The Court gave petitioner the option of abandoning his unexhausted claims and proceeding on his exhausted claims, or in the alternative, to seek a stay under *Rhines v. Weber*, 544 U.S. 269 (2005). Petitioner moved for the issuance of stay and abeyance order under *Rhines v. Weber*. (ECF No. 44). By order filed June 9, 2010, this Court granted petitioner's motion for a stay and this case was administratively closed. (ECF No. 49).

Petitioner's further state-court proceedings having concluded, petitioner has now returned to this Court seeking to reopen this case. (ECF No. 50). Petitioner has filed supplemental exhibits in support of the motion to reopen the case and in support of his first amended petition. (ECF No. 51).

1 Petitioner asks that the supplemental exhibits be linked to his first amended petition at ECF No. 25,  
2 as petitioner apparently wishes to proceed on the amended petition already on file with the Court.  
3 Good cause appearing, this action is reopened and the Court now sets a further briefing schedule for  
4 this action.

5 **IT IS THEREFORE ORDERED** that petitioner's motion to reopen this action (ECF No.  
6 50) is **GRANTED**.

7 **IT IS FURTHER ORDERED** that, as the stay is lifted by this order, the Clerk shall  
8 **REOPEN THE FILE** in this action.

9 **IT IS FURTHER ORDERED** that the supplemental exhibits filed at ECF No. 51, are  
10 **ACCEPTED** as supplemental exhibits to the first amended petition (ECF No. 25). The Clerk of  
11 Court **SHALL LINK** the supplemental exhibits (ECF No. 51) to the first amended petition (ECF  
12 No. 25) on the CM/ECF docket in this action.

13 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days following  
14 the date of entry of this order within which to answer, or otherwise respond to, the first amended  
15 petition (ECF No. 25).

16 **IT IS FURTHER ORDERED** that petitioner shall have **forty-five (45) days** following  
17 service of the answer to **FILE AND SERVE** a reply brief. If a dispositive motion is filed in  
18 response to the first amended petition, the parties shall brief the motion in accordance with Local  
19 Rule 7-2.

20 **IT IS FURTHER ORDERED** that the parties **SHALL SEND** courtesy (paper) copies of  
21 any further exhibits filed in this action to the **Reno** Division of this Court. Courtesy copies shall be  
22 mailed to the Clerk of Court, 400 S. Virginia St., Reno, NV, 89501, and directed to the attention of  
23 "Staff Attorney" on the outside of the mailing address label.

24 DATED: January 15, 2015

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27 UNITED STATES DISTRICT JUDGE